

fact, reductions under START II will result in a more survivable U.S. force structure than what we would have with just the START I Treaty.

Furthermore, START II preserves the triad of U.S. strategic offensive forces. We will continue to rely upon this combination of ICBM's, SLBM's, and heavy bombers to complicate any would-be aggressor's attack and to offer flexibility in any U.S. nuclear response. In fact, START II will improve the viability of the triad by eliminating those elements of the Russian force which directly threatened its integrity throughout the cold war—namely all of its SS-18 heavy ICBM's and its newer, mobile SS-24 ICBM's.

We should recall that in 1983, the Scomcroft Commission declared: "The Soviets now probably possess the necessary combination of ICBM numbers, reliability, accuracy, and warhead yield to destroy almost all of the 1,047 U.S. ICBM silos, using only a portion of their own ICBM force." One of the problems with the START I Treaty was that it did little to alleviate this concern. Although it reduced the number of deployed SS-18's by one-half, it also reduced the number of U.S. silo-based ICBM's by roughly half. Thus the ratio of SS-18 warheads to U.S. silos remained virtually unchanged. START II fixes this problem.

Now I would be remiss not to mention several areas where I continue to have misgivings. For example, I am concerned that Russia—at some point—might upload warheads on its SS-19 missiles, and that they might deploy their bombers with more warheads than the treaty allows. I also am concerned over the inherent difficulty of tracking mobile missiles. Yet even in the most serious cheating scenarios, Russia would be hard-pressed to achieve a military significant advantage over the United States.

However, we should not enter into this arrangement starry eyed. To those who say Russian cheating is implausible, or that Russia lacks the motivation to engage in such activities, I only need ask: "What arms control agreement have they not cheated on?" If the Senate decides to ratify START II, we must demand that Russia break with its lackluster record of treaty compliance. We should not agree to a new arms control measure while at the same time tolerating Russia's ongoing biological weapons program, its refusal to implement the bilateral destruction agreement for its chemical weapons program, its failure to comply with the Treaty on Conventional Armed Forces in Europe, or its persistent violation of the ABM Treaty. The burden of proof is upon Russia to demonstrate that it is capable of breaking with the arms control legacies of the cold war.

We also must realize the limitations of this arms control treaty. START II is bilateral in nature, and does not address the growing strategic arsenals of other countries such as China. Neither have we heard hide nor hair from this

administration regarding United States-Russia cooperation on ballistic missile defenses as a stabilizing complement to the well-structured reductions under START II. I therefore will resist any further efforts to reduce U.S. strategic nuclear arms to the point where the equilibrium between our strategic capability and our targeting requirements is disrupted, or to the point where the coherency of any leg of the U.S. nuclear triad is threatened.

Finally, I am concerned over the reckless abandon with which this administration raced to fully implement the START Treaty before it even had entered into force. That exuberance created a serious imbalance in the sizes of the United States and Russian nuclear arsenals. Given the deep levels of reductions contemplated under START II, we must proceed very cautiously with implementation.

That said, even with these concerns, START II will enhance significantly our national security. The resolution of ratification transmitted to the Senate from the Foreign Relations Committee contains six conditions and seven declarations that go to the heart of the issues I have mentioned here. And even in the event of serious Russian noncompliance, the United States will retain a mix of survivable nuclear forces more than sufficient to deter Russia. For all of these reasons, Mr. President, I reiterate my support for ratification of the START II Treaty.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask the distinguished acting chairman of the Foreign Relations Committee a question or two.

As you know, the group working with Senator STEVENS—and I am part of that group—has proposed certain amendments. I want to ask first, procedurally, at what time during the course of our deliberations does the Senate take up those amendments?

Mr. LUGAR. Mr. President, I am pleased to answer the distinguished Senator from Virginia that after the opening statements by the managers and others, then the resolution of ratification that came from the Foreign Relations Committee will be the pending business, and amendments will be in order at that point.

Mr. WARNER. I see. I thank the distinguished Senator, Mr. President, because I have worked with Senator STEVENS and others, and the acting chairman recounted those Senators who have been a part of that.

I think it is very important that those amendments be included in this treaty, and, frankly, I think it is wise that we are trying to act today so that those amendments and the treaty itself may once again be the subject of public comment until such time as we have the opportunity to vote on final passage.

I wish to, Mr. President, commend Senator STEVENS for leading this

group. I just inquired, I say to my colleague from Alaska, about the timing of his presentation which I anticipate.

Mr. LUGAR. Mr. President, I thank the distinguished Senator for his comments and his question. I simply indicate that I share his enthusiasm for the package of amendments.

Senator STEVENS has been our leader on the arms control observation group in which the distinguished Senator from Virginia and others have participated, and it will be my hope that in the event there is no controversy surrounding those amendments, they might all be adopted as a managers amendment. That would be the procedure that we hope to follow. But as soon as the resolution of ratification is before us, those amendments will be in order.

Mr. WARNER. Mr. President, I thank the Senator. I observe the presence on the floor of the distinguished Senator from Alaska.

Several Senators addressed the Chair.

Mr. LUGAR. Mr. President, I would be happy to yield in just a moment. I want to yield first to my distinguished colleague, Senator PELL, for his opening statement.

Mr. KYL. Mr. President, I simply wanted to add a comment to what the Senator was speaking of. I just came from the room in which the staff had put together the final language. Representatives of the administration had signed off on it as well as the representatives from Senator LEVIN's office, and I signed off on it as well.

I anticipate that at the point when it is agreeable with all of the Senators, that it represents the final piece in the agreement. As far as I know, there has been agreement reached, in other words, on all of those provisions.

I thank both Senator LUGAR and Senator STEVENS for their leadership in bringing this group together to allow the creation of these additional declarations and one addition to be added for the treaty.

Mr. LUGAR. Mr. President, I thank especially the Senator from Arizona who has had many concerns about the treaty and has expressed those in a very articulate, constructive way. And his views, I believe, are represented substantially in the amendments that will be offered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I am wondering if I could ask the indulgence of the Members of the Senate. I know how important this legislation is, but Senator BROWN and I would ask unanimous consent that we be allowed to go to morning business for an extremely short period of time to introduce legislation. We will make our statements part of the RECORD.

So I ask unanimous consent that we be allowed to go to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BOARD OF TEA EXPERTS

Mr. BROWN. Mr. President, I will be extremely brief.

Earlier this year, on the agricultural appropriations bill, Senator REID and I offered legislation that would defund the Tea Tasting Board, and I offered an amendment that would eliminate the underlying legislation that passed in 1879.

Literally, we spend a quarter million dollars a year of taxpayers' money on tasting tea, a practice that is designed to restrict competition.

Tragically, when that measure got to conference, the conferees were advised that the Food and Drug Administration would lose their ability to stop poisonous substances coming into the country in the form of tea if we did not have a Tea Tasting Board. That information is incorrect. The advice they gave the conferees is incorrect.

So we intend to, at the appropriate point when the continuing resolution comes forward, to offer an amendment that does what the Senate did earlier, and that is eliminate the Tea Tasting Board.

Mr. President, it is important because this is a clear waste and a clear obstruction of competition in this country. It is a drag upon our efficiency, and it is the signpost of the kind of changes we need to make to get our country back on track.

That is the reason we think it is appropriate to offer it on the continuing resolution.

I yield to my distinguished colleague from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, 2 years ago I stood on this floor and offered an amendment to the 1993 Agriculture Appropriations bill.

My efforts were successful and the measure passed. The intent of my measure was to eliminate the Board of Tea Experts. To my chagrin, in recent months I discovered that the tea experts were still in business. In mid-September of this year I returned to the floor with Senator BROWN to once again eliminate the Tea Board and abolish the Tea Import Act. Well, here we are again. Why?, because it seems that the Agriculture appropriation conferees did not see their way clear and abolish the act.

That is why Senator BROWN and I have returned to the floor to offer this amendment calling for an end to the Tea Importation Act. Why, I have been told that the Department of Agriculture informed the conference committee that the act was needed to ensure safe, healthy tea. What this program has is somewhat akin to the fictional creature, Count Dracula. I have come here with Senator BROWN to once again attempt to rid this Government of this scourge. I ask unanimous consent to have printed in the RECORD this article from the December 15 business section of the Washington Post that clearly outlines this problem.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Washington Post, Feb. 15, 1995)

THE FDA'S TEA PARTY LIVES ON. AND ON.  
AND ON.

(By Cindy Skrzycki)

The tempest in the teapot still brews. Despite the efforts of Sens. Harry M. Reid (D-Nev.) and Hank Brown (R-Colo.) to dump a government-sponsored tea-tasting program, last-minute lobbying and legislative maneuvering has kept the Food and Drug Administration in the business of fine tea and good china.

Just when it looked like the FDA could wash its hands of the 98-year-old Tea Importation Act and its Board of Tea Experts, Sen. Thad Cochran (R-Miss.), chairman of the Senate Agriculture Appropriations Committee, quietly decided to kill the part of the Reid-Brown amendment that would have cut FDA's involvement with the board.

The result is that the FDA, long-criticized for its tea-tasting sessions, actually may have a more complicated role to play as it figures out how to comply with the part of the amendment that did pass.

As things now stand, the Tea Importation Act—which charges the FDA with making sure imported tea meets a government-endorsed standard of quality and purity—remains in force. What changes is the FDA's involvement in setting the standard since an FDA employee will no longer be allowed to sit on the six-member Board of Tea Experts.

The problem is, the agency still has to figure out a way to come up with the annual tea standard—without being involved—so that its longtime employee (a man reknowned for distinguishing fine tea from foul brews) can carry out the day-to-day tasting of imported tea, making sure it meets the standard.

Complicated? Yes. But, hey, this is the government.

So much for victory proclamation that Reid and Brown happily offered in September when the Senate passed their amendment. The conference on the legislation—and the lobbying—wiped out Reid's wish "to end this tea party."

The tea leaves aren't clear on this, but the brew's lobby apparently did a good job of preserving FDA's tea-tasting role. The industry has maintained through numerous attempts to abolish the board that it was necessary to have the \$200,000 government program to keep bad tea out of the country.

Congress not long ago eliminated the board's modest travel subsidies for its annual meeting at FDA offices in New York. It also raised the tax on imported tea to pay for the salaries of the FDA employees involved in setting the standard and tasting the tea to make sure imports adhered to the standard.

The current standard expires May 1, so the FDA has to come up with a way to set a new measure. Like any good government agency, it has convened a "small working group" to figure this out.

Among the options the group is considering: disallowing tea imports altogether, maintaining the current standard indefinitely, turning the standard-setting over to some other department within the Department of Health and Human Services. Or, the more likely scenario, proposing a standard in the Federal Register and asking for comments on it.

"You've now finding out what perpetual life is," said Brown. "It's such a disgrace." Anyone for tea?

Mr. REID. Mr. President, we do not have a coffee tasting board, why a tea testing board?

According to an FDA spokesman this Congress is sending mixed signals regarding tea tasting.

According to an FDA spokesman "the law doesn't say we should not have a tea taster at FDA."

According to an article in the Review-Journal, the largest newspaper in Nevada, the Board of Tea Experts is funded by the tea industry. However, its members work closely with FDA chemist Robert H. Dick to set standards for imported tea.

Mr. Dick who has chaired the tea board for 56 years, is paid \$68,000 per year. He also has two part-time assistants, all of whom are taxpayer supported.

Mr. President, the Food and Drug Administration, as well as the Agriculture Appropriations Committee, has done a disservice to the American people. It is no wonder the American people have lost faith in their government. I see no reason why those in this country who enjoy drinking tea need someone else to tell them it tastes good. Once again I am back on the floor to complete the task that I originally set out to do.

Mr. President, once again let me give the Senate some background on the Board of Tea Experts.

The Tea Expert Board was created as part of the Tea Import Act of 1897. You heard me correctly, 1897, not 1987.

There are six outside experts and one from the Food and Drug Administration [FDA] that comprise the Board. It is the Board of Tea Experts duty to set standards for imported tea. There is also others at the FDA that also as part of their official duties, taste tea.

The cost of this program is approximately \$200,000 per year; even though there is an industry offset of approximately \$70,000 per year.

Although, the fiscal year 1996 Agriculture appropriations bill withholds funds to operate the Board of Tea Experts, it does not repeal the act as the Senate unanimously agreed to do. Even so, the adventures of the Board of Tea Experts still cost the American taxpayer over \$130,000 per year. That may not seem like much, but it is the kind of waste that taxpayers detest.

We do not have a board of coffee experts, why then, do we need a Board of Tea Experts. The Board of Tea Experts only serves industry. Let the industry serve itself, and pay for its own quality assurance out of its own pockets. It is not my intent to have the FDA to stop testing imported agricultural products. These activities can continue without the Board of Tea Experts and without Mr. Dicks or the FDA's involvement.

As I have stated on the floor before, What we need is a congressional tea party. We must dump the Board of Tea Experts as well as the Tea Importation Act overboard.

It seems inappropriate, and some might say morally reprehensible, to expend money from the Treasury for such a program.

How can this reform minded Congress allow the Tea Importation Act to continue?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

# MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LOTT. Mr. President, as in legislative session, I ask unanimous consent that the Senate now turn to the consideration of House Joint Resolution 134, the continuing resolution with respect to the veterans, and that it be in order for me to amend the joint resolution to also include funding for AFDC, District of Columbia Government, foster care, adoption assistance, and Medicaid quarterly payments, all of which would expire January 3, 1996, that the amendment be agreed to, the joint resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. BROWN. Mr. President, reserving the right to object, I cannot go along with that without an opportunity to offer an amendment with regard to the Tea Tasting Board.

So I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, could I ask the Senator from Colorado to withhold his objection so we can at least discuss this a moment?

Mr. BROWN. I am glad to reserve my right to object. That would allow discussion.

Mr. WARNER. Mr. President, reserving the right to object.

Mr. LOTT. Mr. President, if I could respond to his objection, first I want to commend the Senator from Colorado for the work he has done in this area, and Senator REID from Nevada who has been working in this area. I am very sympathetic to what they are trying to do.

I know they are looking for an opportunity to do this on any vehicle that might be available, and I certainly understand that. But let me again emphasize that we are in a particularly difficult spot here.

The majority leader and the minority leader are now meeting with the President at the White House. They are working on the budget agreement. And it is very important that the UC be worked out with the House of Representatives, which is very anxiously waiting for this matter to come over to them.

The former chairman of Veterans' Affairs Committee and some of the veterans committee members just came over and are very anxious for us to get this work done and sent back over. This agreement was worked out between the leaders, all of the interested staff, and Members on both sides of the aisle. It is very important that we get it done.

I urge my colleagues who are working on this particular tea issue to withhold their objection so that we can

move this continuing resolution through that the leaders are expecting us to get done.

Mr. BROWN. Will the Senator yield?

Mr. LOTT. If I have time, I would be glad to yield.

Mr. BROWN. Mr. President, I appreciate what the distinguished Senator has said. All of his observations, which I agree with, are accurate.

Mr. President, this is a little unusual circumstance for two reasons. First, the amendment originally eliminating the Tea Tasting Board passed without a dissent in the Senate.

Second, it was dropped in conference because of misinformation provided by an administrative spokesman who simply was wrong. They had indicated that the Government did not have any way to stop poisonous tea from coming into the country, when in reality they did and do. So it was only dropped from the conference report on agriculture because of inaccurate information.

It would be a tragedy to reward the conveyance of inaccurate information.

Last, Mr. President, let me assure Senators that I do not seek to slow down this bill at all. All I want is an opportunity to offer this amendment. If the amendment loses, obviously Senator REID and I are not going to interfere in any way with the passage of this continuing resolution. But we do think it is of sufficient importance to the integrity of the process that this be included.

I have every reason to believe the House will go along with this, that there will not be any objection of any kind from the House.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Reserving the right to object, I hope that the Senator from Colorado would not interfere with, hopefully, the funding of AFDC, foster care, adoption assistance, and, maybe if we can get to it, keeping the Government open, for a tea tasting question that seems to be paramount here to kids out there getting their AFDC checks.

Now, if you want to stop the veterans from getting their checks, AFDC from getting their checks, our Government staying open, then you get your tea tasting amendment on this resolution or we just withdraw it, then we will let your tea tasting amendment bring it down.

Mr. BROWN. Will the Senator yield?

Mr. FORD. Yes, I will be glad to yield.

Mr. BROWN. Let me simply observe, first of all, Senator REID and I both wrote to Senator DASCHLE and to Senator DOLE advising them of this problem early on and indicating some time ago we intended to offer this on a continuing resolution as a way of get it through, so this is not a surprise. This is something we have advised the leadership of a long time ago.

Let me assure the Senator there is no intention on my part and I do not believe—I am sure there is no intention

on Senator REID's part to interfere with the fine things that are in this measure at all. All we want is an opportunity to have it voted on. If it is voted down, we simply are not going to interfere in any way.

Mr. FORD. May I regain my time here?

If the Senator wants to vote it down now, I think it can be done. I do not think he wants that because it would be a voice vote, and I do not believe he wants to ask for a rollcall vote. Then we would have to postpone it because the majority leader has already said there will be no more votes today.

Mr. LOTT. Mr. President, will the Senator yield?

Mr. FORD. Be glad to.

Mr. LOTT. Will the Senator be willing to accept a voice vote on this issue at this time? If he would, we could have a vote and proceed.

Mr. REID. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that everyone in the Chamber stop and think about this for a little bit. I think everyone understands, for lack of a better word, how resentful Senator BROWN and I feel. We agreed on the matter that came before the Senate this year not to have a vote on it. We had already won the thing on a previous occasion. But the bureaucrats, you see, always figure a way to resurrect things. And even though the funding has been stopped, there will still be two people paid for tea tasting.

I have expressed my dismay to the senior Senator from Mississippi and the senior Senator from Arkansas, the chairman and ranking member of the subcommittee. We have in the Chamber now the minority whip and the majority whip. We have the President pro tempore of the Senate and a number of very distinguished Senators. I am wondering if—for this Senator, I would be happy to withdraw my objection if I would have the word of the Senators that are now in the Chamber that the first thing moving through here after we come back, that you would help Senator BROWN and me affix this because in logic and good sense and good government, there is no reason that the Tea Tasting Board is still in existence.

So I personally would withdraw whatever reservations I have if I could have the support of the people on this floor to get rid of the Tea Tasting Board.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate the remarks of the distinguished Senator from Nevada, and I have a lot of sympathy, frankly, for what he is trying to do. He has already referred to the fact that the senior Senator from my State may have some knowledge that I am not aware of, and I certainly want to be sensitive to that. But I believe there is a lot of sympathy in the direction of the Senator from Nevada